REMARKS

Claims 35, 37-40, 42-45, 47-64 are pending in the application.

Claims 35, 37-40, 42-45, 47-64 have been rejected.

Claim 55 has been amended, as set forth herein.

I.   REJECTION UNDER 35 U.S.C. § 101

Claims 40, 42-44 and 55-63 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The rejection is respectfully traversed.

The Office Action states that Claim 40 is directed to a "wrapper apparatus" and "means for" function invocation. With respect to Claim 40, the Office Action argues that "it is not clear whether the claimed invention is directed to hardware or software." Applicants respectfully submit that the term "apparatus" is used to describe equipment designed or assembled for a particular purpose. Accordingly, Applicants believe that Claim 40, and its dependent claims, are directed to statutory subject matter. Therefore, Applicants respectfully request withdrawal of the § 101 of Claim 40, and its dependent claims.

The Office Action states that Claim 55 is a system. The Office Action argues that "[the] 'system' is not a process, a machine, a manufacture or a composition of matter." Applicants have amended Claim 55 to recite that the call server system comprises a call server. Accordingly, the Applicants respectfully request withdrawal of the § 101 rejection of Claim 55, and its dependent claims.

II.   DOUBLE PATENTING REJECTION

Claims 35, 37-40, 42-45, 47-50 and 52-63 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 67, 74 and 84 of copending Application No. 2005/0008003 (hereinafter referred to as "Ramey '8003") in view of U.S. Patent No. 5,945,989 to Freishtat et al. Applicants submit that in the event amendments to the claims are made in either Ramey '8003 or the instant application, these amendments may render the

double patenting rejection moot. Accordingly, Applicants reserve the right to dispute the rejection or file a terminal disclaimer in future Office Action responses.

III.   REJECTION UNDER 35 U.S.C. § 102

Claims 35, 38-40, 43-45, 48-50 and 53-63 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,915,008 to *Dulman* (hereinafter "*Dulman*"). The rejection is respectfully traversed.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Independent Claim 35

Independent Claim 35 recites providing a communication channel between the web application and the call server system; and translating the web application commands transferred from the web application to the call server system from a web application format into a call server format. Claim 35 further recites that the translating web application commands further comprises translating a call control command.

The Office Action argues that *Dulman* teaches each and every element found in independent Claim 35. To show "providing a communication channel between the web application and the call server" the Office Action cites the "Gui-based access" and "Access Server 48" in *Dulman*. However, *Dulman* recites that the Customer Premises Equipment (CPE) 16 is the call server.[1] Further, *Dulman*

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[1]See *Dulman*, Col. 10, lines 30-33, stating "the customer premises equipment 16 may be ... a PBX-based system."

teaches that the GUI access is disposed on the CPE 16.[2] Thus, *Dulman* teaches that the alleged web application is <u>disposed on the call server</u>. Applicants submit that *Dulman* does not teach a communication channel <u>between</u> the web application and the call server.

Further, Applicants respectfully submit that *Dulman* does not teach call control commands as recited in independent Claim 35. The Office Action argues that *Dulman* (Col. 13, lines 40-49, Col. 14, lines 1-15, Col. 15, lines 1-8 and Col. 20, lines 29-34) teaches "translating the application commands further comprises translating a call control command." However, the cited sections of *Dulman* teach call server commands regarding how to handle a call, e.g., forward, block, etc. *Dulman* teaches that these commands are established, and even scheduled, and can be over ridden temporarily.[3] Applicants submit that none of the "commands" disclosed in *Dulman* are call control commands for controlling a specific call or telephony device. Instead, these "commands" are commands that control the call server configuration for all calls indicated. Thus, *Dulman* is directed to commands for configuration of a telephony switch/PBX which are not equivalent to Applicants' call control commands.

Accordingly, the Applicants respectfully request the Examiner withdraw the § 102(e) rejection of Claim 35 and its dependent claims.

Independent Claims 40, 45 and 50

The Office Action rejects independent Claims 40, 45 and 50 using the same rationale as the rejection of independent Claim 35. Accordingly, Claims 40, 45 and 50 (and their respective dependent claims) are allowable for at least the same reasons as set forth above responding to the rejection of Claim 35.

Independent Claim 55

Independent Claim 55 recites a call server system, the call server system comprising a call server; a web application; a user interface for directing the web application; and a wrapper for

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[2]See *Dulman*, Col. 18, lines 11-16, stating "at the subscriber premises 16, the customer uses ... a Microsoft Windows Graphical User Interface (GUI)."

[3]See *Dulman*, Col. 18, lines 17-53.

providing a communication channel between the web application and the call server system and for translating web application commands transferred from the web application to the call server system from a web application format into a call server system format, wherein the web application commands comprise a call control command. As stated herein above with respect to independent Claim 35, *Dulman* fails to teach providing a communication channel between the web application and the call server system and the web application commands comprise a call control command.

Accordingly, Applicants respectfully request the Examiner withdraw the § 102(e) rejection of Claim 55, and its dependent claims.

IV.   REJECTION UNDER 35 U.S.C. § 103

Claims 37, 42, 47 and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dulman* in view of U.S. Patent No. 5,867,494 to *Krishnaswamy*. The rejection is respectfully traversed.

These claims depend from independent Claims 35, 40, 45 or 50, respectively. These claims are allowable for at least the same reasons set forth above regarding the independent claims from which they depend.

Accordingly, the Applicant respectfully requests withdrawal of the § 103(s) rejection of Claims 37, 42, 47 and 52.

V.   CLAIM 64

The Office Action has provided no rejection of Claim 64. Accordingly, Applicants believe Claim 64 is allowable as written.[4]

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[4]In the event the Examiner disagrees, Applicants will address a rejection of Claim 64 in the next Non-Final Office Action.

VI.   CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.
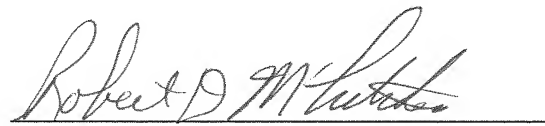

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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